

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
NEW BERN DIVISION

IN RE:

**WALTER RAY GETTS
CYNTHIA JEAN GETTS**

**CHAPTER 13
18-03237-5-DMW**

DEBTORS

**OBJECTION TO NOTICE OF POSTPETITION MORTGAGE FEES, EXPENSES, AND
CHARGES**

NOW COME the debtors, through counsel, and object to the Notice of Postpetition Mortgage Fees, Expenses, and Charges filed by Investors Financial Limited Partnership (hereinafter "IFLP") in the amount of \$3,260 on December 11, 2018, for the following reasons indicated:

1. Pursuant to Schedule D of the bankruptcy petition, the debtors are paying their mortgage to IFLP, inside of their Chapter 13 bankruptcy plan.
2. The presiding judge has indicated in prior cases that attorneys' fees should be appropriately addressed in a 506(b) motion and not in a notice of postpetition fees, expenses, and charges, and that said notice is preserved for an increase in insurance, tax or escrow changes to the mortgage.

WHEREFORE, debtors request that the postpetition mortgage fees, expenses, and charges in the amount of \$3,260 filed on December 11, 2018 be denied; and that they be afforded such other and further relief as to the Court may deem just and proper.

DATED: December 14, 2018.

s/Roger A. Moore

Roger A. Moore (N.C. State Bar No. 5757)
Attorney for Debtors
Law Office of Roger A. Moore
P.O. Box 886
Jacksonville, NC 28540
(910) 455-0448 Phone (910) 347-6343 Fax

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18-03237-5-DMW**

DEBTORS

**ADDRESS: 6950 Richlands Hwy
Richlands, NC 28574**

NOTICE OF OBJECTION

NOTICE IS HEREBY GIVEN of the objection filed herewith by Roger A. Moore in the above-captioned case; and

FURTHER NOTICE IS HEREBY GIVEN that if you fail to respond or otherwise plead or request a hearing in writing within **thirty (30)** days from the date of this notice, the relief requested in the objection may be granted without further hearing or notice; and

FURTHER NOTICE IS HEREBY GIVEN that if a response and a request for a hearing is filed by the creditor or other parties in interest named herein in writing within the time indicated, a hearing will be conducted on the objection and response thereto at a date, time and place to be later set by this Court and all interested parties will be notified accordingly.

DATE OF NOTICE: December 14, 2018.

s/Roger A. Moore
Roger A. Moore (N.C. State Bar No. 5757)
Attorney for Debtors
Law Office of Roger A. Moore
P.O. Box 886
Jacksonville, NC 28540
(910) 455-0448 Phone
(910) 347-6343 Fax

CERTIFICATE OF SERVICE

I, Roger A. Moore, of 100 Old Bridge Street, Jacksonville, Onslow County, North Carolina, certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age;

That on December 14, 2018 I served copies of the foregoing Objection on:

Walter Ray Getts
Cynthia Jean Getts
6950 Richlands Hwy
Richlands, NC 28574

Benjamin E.F.B. Waller
Ward and Smith, P.A.
P.O. Box 8088
Greenville, NC 27835-8088

by depositing a copy of said Objection in first class mail under the exclusive care and custody of the United States Postal Service in a properly addressed, postage, pre-paid wrapper.

The following parties were served by electronic mail:

US Bankruptcy Administrator, EDNC

Joseph A. Bledsoe, III, Chapter 13 Trustee

I certify under penalty of perjury that the foregoing is true and correct.

DATED: December 14, 2018.

s/Roger A. Moore

Roger A. Moore (N.C. State Bar No. 5757)
Attorney for Debtors
Law Office of Roger A. Moore
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Jacksonville, NC 28540
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